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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,421	12/11/2000	Robert A. Brigham	MS# 146956.1/40062.70US01	3573
23552	7590	11/16/2004	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			AL HASHEMI, SANA A	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/734,421

Applicant(s)

BRIGHAM ET AL.

Examiner

Sana Al-Hashemi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 August 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,7-16,22-31 and 35-42 is/are pending in the application.
- 4a) Of the above claim(s) 2-6, 17-21 and 32-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,7-16,22-31 and 35-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

Claim Status: 1-42 rejected.

Applicant's arguments filed 8/25/04 have been fully considered but they are not persuasive.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Bauer et al.  
(Bauer hereinafter) (US Patent No. 5,870,759).

1. Regarding Claims 1, 16, and 31, Bauer discloses a method, a computer program product, and a system of tracking data through a multi-tier computing architecture (see column 26, lines 38-54, Bauer), the method comprising:

receiving a request from a client computing system for data from a database (see column 8, lines 12-16, Bauer).

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initializing a first row pointer of a dataset with data from a databases (see column 9, lines 36-41, Bauer);

placing changes to the data in a second row pointer of the dataset (see column 9, lines 41-43, Bauer);

comparing the first and second row pointers (see column 9, lines 43-45, Bauer); and  
declaring a state of the data in response to comparing the first and second row pointers (see column 11, 46-50, Bauer).

2. Regarding Claims 7, 22, 35 Bauer discloses a method wherein:

comparing includes detecting whether the first row pointer is null, and if the first row pointer is null, declaring the data to be new data in response to detecting the first row pointer to be null (to the best Examiner ascertain see column 10, lines 60-65, Bauer).

3. Regarding Claims 8, 23, and 36, Bauer discloses a method wherein:

comparing includes detecting whether the second row pointer is null, and if the second row pointer is null, declaring the data to be deleted data in response to detecting the second row pointer to be null (to the best Examiner ascertain see column 10, 11, lines 66-67, 1-2 respectively, Bauer).

4. Regarding Claims 9, 10, 24, 25, and 37, Bauer discloses a method wherein:

comparing includes detecting whether the first and second row pointers are equal or not equal, and if the first and second row pointers are equal or not equal, declaring the data to be original data in response to detecting the first and second row pointer to be equal or not equal (see column 11, lines 3-11, Bauer).

5. Regarding Claims 11, 26, and 38, Bauer discloses a method further comprising:

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committing the data in the second row pointer (see column 15, lines 47-52, Bauer).

6. Regarding Claims 12, 27, and 39, Bauer discloses a method wherein:

committing includes accepting, rejecting, or merging the data (see column 19, 20, lines 43—47, 43-47, respectively, Bauer).

7. Regarding claims 13, 14, 28, 29, 40, and 41, Bauer discloses a method wherein:

merging includes merging a plurality of datasets from a plurality of client computing systems, merging includes matching locally unique identifiers between rows of the plurality of datasets (see Table I, Bauer).

8. Regarding Claims 15, 30, and 42, Bauer discloses a method wherein:

committing includes updating the database with the data in the second row pointer in response to detecting the first and second row pointers to not be equal (see column 11, lines 3-11, Bauer).

### ***Response to Amendment***

Applicant argues the prior art does not disclose or suggest, “receiving a request from a client computing system for data from a database, initializing a first row pointer of a dataset with data from a databases, placing changes to the data in a second row pointer of the dataset, comparing the first and second row pointers, and declaring a state of the data in response to comparing the first and second row pointers.”

Examiner disagrees. Referring to Bauer Fig. 4, column 9, lines 31-65, and columns 11, and 12, lines 31-50, and 23-55, respectively, Bauer clearly discloses the steps of initiating a row by the row pointer upon client request and the row pointer is the row ID as shown in Fig. 4, and sending the response to the user after updating and refreshing the row with

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the latest update which in other words corresponds to send the initialized dataset to the client and place the update version of the dataset at the client node, the system also compare the rows between the client and server for synchronization and declaring the state of the data if the comparison was successful the claimed limitations, as stated in the rejection above.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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*Points of Contact*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to: Sana Al-Hashemi whose telephone number is (571) 272-4013. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 872-9306890. For formal or draft communications, please label "PROPOSED" or "DRAFT". Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6<sup>th</sup> Floor Receptionist, Arlington, Virginia. 22202.

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Sana Al-Hashemi  
Patent Examiner  
Technology Center 2100  
November 4, 2004



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